

**IN THE HIGH COURT OF UTTARANCHAL AT**  
**NAINITAL**  
**WRIT PETITION NO. 1842 (SS) OF 2005**

Yashpal,  
S/o Sri Bhajram,  
R/o Village and Post Patotiya,  
District- Pauri Garhwal. ....Petitioner.

Versus

1. State of Uttaranchal,  
through Secretary Education,  
Dehradun, Uttaranchal.
2. Apar Zila Shiksha Adhikari (Basic)  
Aila Pariyojna Karyalaya (Sarva Shiksha Abhiyan),  
Pauri Garhwal.
3. Khand Shiksha Adhikari, Nainidanda, District Pauri  
Garhwal. ....Respondents.

*Sri R.S. Sammal & Anirudha Bhatt, Advocate for the petitioner.  
Learned Standing Counsel for the respondents.*

**Dated: 03.03.2006**

**Hon'ble Rajesh Tandon, J.**

By the present writ petition, the petitioner has prayed for a writ of certiorari quashing the advertisement (Annexure No. 1 to the writ petition) for the post of Shiksha Mitra in Primary School Patotiya, Block Nainidanda, District Pauri Garhwal, which has been declared reserved for Scheduled Caste female candidate. Further prayer has been prayed for a writ of mandamus directing the respondents to pay the remuneration to the petitioner from 04.08.2002 onwards for his work as Shiksha Mitra at Primary School Patotiya, which is not yet paid to the petitioner.

2. Briefly stated, according to the case of the petitioner, he is a graduate and qualified person for the appointment as "Shiksha Mitra" under the "Sarva Shiksha Abhiyan" scheme launched by the State of Uttaranchal.

3. The Head Master, Primary School Patotiya, Block Nainidanda, District Pauri Garhwal Sri Brijmohah Ghildiyal

informed the Assistant Basic Education Officer, Block Nainidanda that the “Shiksha Mitra” Sri Satya Prakash, who was appointed in the Primary School Patotiya has been selected in the Uttaranchal Police and is absent from the school from 17.04.2002.

4. In pursuance of the aforesaid information, a meeting of Shiksha Samiti of Gram Sabha Patotiya was convened on 04.08.2002 in Village Patotiya in the presence of Head Master of the School in which a resolution No. 2 was passed for the appointment of “Shiksha Mitra”. It was also resolved that Yashpal, son of Sri Bhajram, i.e. the petitioner, is the best candidate for the post of “Shiksha Mitra” looking at his educational qualification and that the petitioner is a meritorious candidate for the required post. The petitioner was appointed on the said post.

5. Petitioner has submitted that the petitioner is continuously performing duty of a teacher with utmost honesty and to the satisfaction of the Village Shiksha Samiti and his superior officials.

6. Grievance of the petitioner is that despite the aforesaid fact, the respondent neither sanctioned his appointment nor granted any remuneration to him for his work as “Shiksha Mitra” which was payable to him according to rules.

7. On 7<sup>th</sup> November, 2003, an application was filed by the Village Shiksha Samiti, Village Patotiya stating the grievance of the petitioner to the Zila Basic Adhikari (District) Basic Education Officer), Pauri Garhwal.

8. In pursuance of the letter dated 07.11.2003 (Annexure No. 4) Zila Basic Shiksha Adhikari, District Pauri Garhwal sent a letter marked Letter/ Basic / 7524-25 / 2003-04 dated 19.11.2003 to Sahayak Basic Shiksaha Adhikari, Block Nainidanda, District Pauri Garhwal asking him to send his

report related to the appointment of the petitioner so that the matter may be disposed of.

9. A certificate was also issued by the Head Master of the Primary School Patotiya on 24.05.2005 that the petitioner is performing his duties as a teacher/Shiksha Mitra from 04.08.2002 to 24.05.2005 in Primary School, but neither his post was sanctioned nor any remuneration has been paid to the petitioner.

10. A general meeting of Gram Sabha Patotiya was held on 06.07.2005 in which a resolution no. 6 was passed and it was resolved that the petitioner, Yashpal, who is a scheduled caste candidate is performing his duties as Shiksha Mitra at Primary School for three years with hard work and devotion, but despite this, his appointment on the post of "Shiksha Mitra" was not approved.

11. Petitioner has submitted that the respondent no. 2 issued a letter No Shiksha Mitra/Sarva Shiksha Abhiyan/Memo / 2005-06 dated 26.11.2005 (Annexure No.1) which was published in the daily newspaper 'Amar Ujala' and at Serial No. 148 of this advertisement, the post of Shiksha Mitra is Primary School Patotiya, Block Nainidanda has been declared/ reserved for the Scheduled Caste female candidate.

12. The petitioner has filed his representation on 13.04.2005 before the Zila Basic Shiksha Adhikari, but the same was not disposed of.

13. Again on 28.07.2005 and 23.09.2005, the petitioner made representation, but the grievances of the petitioner is that the same have not yet been disposed of.

14. However, liberty is given to the petitioner to file a fresh representation before the concerned authority within a period to two weeks from the date of presentation of the certified copy of the order and if such a representation is filed, the same shall

be disposed of within a period of six weeks thereafter. Till the disposal of the representation, interim order-dated 13.12.2005 shall continue and the amount due to the petitioner shall be paid forthwith.

15. Writ Petition is disposed of accordingly. No order as to costs.

(Rajesh Tandon, J.)

03.03.02006

*Rathour*